

D. GILL SPERLEIN, SBN 172887  
THE LAW OFFICE OF D. GILL SPERLEIN  
345 Grove Street  
San Francisco, CA 94114  
Telephone: (415) 404-6615  
Facsimile: (415) 404-6616  
[gill@sperleinlaw.com](mailto:gill@sperleinlaw.com)

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**TOMAS PELHRIMOVSKY,** ) CASE No.:  
VLADAMIR CIKKEL, LUKAS )  
**GOMBIK, JAKUB JIRSAK, DANIEL** ) COMPLAINT FOR COPYRIGHT  
FERENCIK, SEBASTIAN FIALA, and ) INFRINGEMENT  
MAREK HRABAL )  
Plaintiffs, )  
v. )  
M. STEVENS, )  
Defendant. )

## INTRODUCTION

1. Plaintiffs are foreign individuals each of whom is the owner of copyrights in various photographic images.

2. Defendant, without permission from Plaintiffs, published the photographic works on the website <http://belamigossip.blogspot.com>.

3. Pursuant to the provisions of 17 U.S.C. 512, through a common agent, the individual Plaintiffs sent a notification of copyright infringement to Google, Inc. who is the Internet service provider (ISP) that serves as the host for blogspot.com. As host for blogspot.com, Google, Inc. provided Defendant with the computer servers upon which the infringing copies of the photographs resided and from which Defendant made the infringing copies available to the public.

4. In response to Plaintiffs' notice, Google, Inc. removed or blocked access to the infringing photographs.

5. Defendant STEVENS sent Google, Inc. a counter notification stating his belief that the material was removed or disabled in error as a result of mistake or misidentification of the material.

6. Plaintiffs file this action for damages and injunctive relief.

## THE PARTIES

7. Plaintiff TOMAS PELHRIMOVSKY is an individual residing in Ostrava in the Czech Republic.

8. Plaintiff VLADAMIR CIKKEL is an individual residing in Spišská Nová Ves in the Slovak Republic.

9. Plaintiff LUKAS GOMBIK is an individual residing in Praha in the Czech Republic.

10. Plaintiff JAKUB JIRSAK is an individual residing in Praha in the Czech Republic.

11. Plaintiff DANIEL FERENCIK is an individual residing in Bratislava, in the Slovak Republic.

12. Plaintiff SEBASTIAN FIALA is an individual residing in Praha in the Czech Republic.

13. Plaintiff MAREK HRABAL is an individual residing in Frydek Mystek in the Czech Republic.

14. Defendant M. STEVENS is an individual who claims in his counter notification to reside in London, England.

## JURISDICTION

15. This Court has subject matter jurisdiction over Plaintiffs' claims under the Copyright Act pursuant to 17 U.S.C. §§ 101, *et. seq.*, and 28 U.S.C. §§ 1331 and 1338(a).

16. The Court has personal jurisdiction over Defendant as the servers hosting and distributing the infringing photographs is located in this District and Defendant, in his counter notification, consented to the jurisdiction of this Court.

## VENUE

17. Venue is proper in this Court pursuant to 28 U.S.C. §1391 and 28 U.S.C. §1400. Defendant may be sued in any district in which he resides or may be found. 28 U.S.C. 1400(a). Because he is subject to personal jurisdiction in the Northern District of California, he may “be found” in this District.

## **INTRA-DISTRICT ASSIGNMENT**

18. Since this action is based in copyright, it may be assigned to any of the three divisions of the District Court for the Northern District of California.

## 1 CLAIM 2

### 3 Copyright Infringement – 17 U.S.C. § 101 ET SEQ.)

4 19. Plaintiff repeats and incorporates by this reference each and every allegation set  
5 forth in the previous paragraphs as if set forth fully herein.

6 20. Plaintiffs are informed and believe and based thereon allege that Defendant M.  
7 STEVENS operates the website at <http://belamigossip.blogspot.com>.

8 21. Each Plaintiff was involved in the creation of various photographs and owns the  
9 copyrights to one or more of the photographs that Defendant copied from other Internet  
10 locations and published on his website at the following locations:  
11

- 12 a. Plaintiff Sebastian Fiala holds the copyrights to the image(s) posted at  
13 <http://belamigossip.blogspot.com/2014/01/tom-pollock-on-google.html>;
- 15 b. Plaintiff Jakub Jirsak holds the copyrights to the image(s) posted at  
16 <http://belamigossip.blogspot.com/2014/05/clause-sorel-and-girlfriend.html>;
- 18 c. Plaintiff Marek Hraba holds the copyrights to the image(s) posted at  
19 <http://belamigossip.blogspot.com/2014/05/jack-harrer-having-fun.html>;
- 21 d. Plaintiff Vladamir Cikkel holds the copyrights to the image(s) posted at  
22 <http://belamigossip.blogspot.com/2014/05/jamie-durrell-on-facebook.html>;
- 24 e. Plaintiff Tomas Pelhrimovsky holds the copyrights to the image(s) posted at  
25 <http://belamigossip.blogspot.com/2014/05/jean-daniel-chagall-and-baby.html>;
- 27 f. Plaintiff Daniel Ferencik holds the copyrights to the image(s) posted at  
28 <http://belamigossip.blogspot.com/2014/05/johan-paulik-new-facebook-photo.html>; and

1 g. Plaintiff Lukas Gombik holds the copyrights to the image(s) posted at  
2 [http://belamigossip.blogspot.com/2014/05/kevin-warhol-and-girlfriend-in-](http://belamigossip.blogspot.com/2014/05/kevin-warhol-and-girlfriend-in-south.html)  
3 [south.html](http://belamigossip.blogspot.com/2014/05/kevin-warhol-on-facebook.html) and [http://belamigossip.blogspot.com/2014/05/kevin-warhol-on-](http://belamigossip.blogspot.com/2014/05/kevin-warhol-on-facebook.html)  
4 [facebook.html](http://belamigossip.blogspot.com/2014/05/kevin-warhol-on-facebook.html).

5  
6 22. Defendant STEVENS copied each of the above referenced photographs, either  
7 individually or as part of an entire webpage and distributed the photographs by and through  
8 the above referenced urls, without obtaining the permission of the Plaintiffs as copyright  
9 owners.

10  
11 **JURY DEMAND**

12 23. Plaintiff hereby demands a jury trial in this case.

13  
14 **PRAYER**

15 WHEREFORE, Plaintiff respectfully requests judgment as follows:

16 (1) that the Court enter a judgment against Defendant that he has willfully infringed  
17 Plaintiffs' copyrights under 17 U.S.C. § 501,

18 (2) that the Court issue injunctive relief against Defendant, and that Defendant, his  
19 agents, representatives, servants, employees, attorneys, successors and assigns, and all others  
20 in active concert or participation with him, be enjoined and restrained from copying, posting  
21 or making any other infringing use or infringing distribution of Plaintiffs' photographs;

22 (3) that the Court enter an order of impoundment pursuant to 17 U.S.C. §§ 503 and  
23 509(a) impounding all infringing copies of Plaintiffs' photographs which are in Defendant's  
24 possession or under his control;

1           (4)       That the Court order Defendant to pay Plaintiffs' damages and Defendant's  
2 profits pursuant to 17 U.S.C. § 504(b); and

3           (5)       that the Court grant to Plaintiffs such other and additional relief as is just and  
4 proper.

5

6

7 Dated: September 30, 2014

Respectfully Submitted,

8

9 by /s/ D. Gill Sperlein

10           D. GILL SPERLEIN  
11           THE LAW OFFICE OF D. GILL SPERLEIN  
12           Attorneys for Plaintiffs

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

THE LAW OFFICE OF D. GILL SPERLEIN  
345 GROVE STREET  
SAN FRANCISCO, CA 94102  
TEL: 415-404-6615 FAX: 415-404-6616